Supreme Court, U. S.
FILED
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

No. 79-1660

KARL KLEVE Petitioner

v

CHARLOTTE E. KLEVE Respondent

PETITION for WRIT of CERTIORARI

To the Court of Appeals, First Appellate District of Ohio, & the Court of Common Pleas, Division of Domestic Relations, at Hamilton County, Ohio

I CERTIFY that all parties required to be served herein have been served, by U S Mail, postage prepaid, addressed to Charlotte E. Kleve, 2730 W. Galbraith Rd, Cincinnati Ohio 45239, on 29 Mar 80.

Karl Kleve

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PETITION for WRIT of CERTIORARI

To the Court of Appeals, First Appellate District of Ohio, & the Court of Common Pleas, Division of Domestic Relations, at Hamilton County, Ohio

Karl Kleve
pro se
3077 Jadaro Ct
Cincinnati 45211

Petitioner

Charlotte E. Kleve
2730 W. Galbraith Rd.
Cincinnati 45239
pro se

Respondent

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Karl Kleve respectfully prays the Supreme Court to grant a Writ of Certiorari to Review the Judgment of the Court of Appeals, First Appellate District of Ohio, & the Court of Common Pleas, Division of Domestic Relations, both at Hamilton County, Ohio.

JURISDICTION

The Decree of Divorce, entered 22 Dec 77, and the Decision of the Appeals Court, entered 25 Apr 79, are asked to be reviewed. (The Ohio Supreme Court denied jurisdiction).
An order granting time until 31 Mar 80 within which to petition for certiori was granted.

QUESTIONS PRESENTED

Whether a Court may terminate a trial & sign a Decree affecting the entire remaining lives of a whole family after hearing only one side, plaintiff's, & nothing of defendant's case.
Whether a Jury Demand may be denied when the

issues of Property Division, Support, etc., if not the Divorce, greatly exceeded the "value in controversy" of $100., as specified in the Constitution.
Whether the Appeals Court may dismiss on a totally false assumption.

STATUTES, CONSTITUTIONAL PROVISIONS

The statutory provisions believed to confer jurisdiction on this Court to review said Judgment & Decree, by Writ of Certiorari are:

AMENDMENT 7, U. S. Constitution: "In suits at common law, where the value in controversy shall exceed twenty (now 100) dollars, the right to trial by jury shall be preserved -"

OHIO APPELLATE RULE 10(B):"The Record shall be deemed to be complete for purposes of the appeal -- when 40 days have elapsed after filing of the last notice of appeal & there is no extension of time for transmission of the Record".
But though many other statutes were violated, (E.G., Ohio Statute requires assertion, in a divorce complaint, of 6 months minimum residence in the state - this plaintiff asserted only 3 months'. Ohio law requires prayer for all relief sought - Property division was decreed without an y prayer for same.) the

most flagrant irregularity & injustice was the violation of principles so fundamental & taken-for-granted as not to even be spelled out in statute, the custom that both sides shall be heard, not only plaintiff's, before judgment is rendered; various temms were incorporated into the Decree that not even the plaintiff had raised in Court.

STATEMENT OF THE CASE

The Petitioner, Karl Kleve, had filed all the necessary pleadings in answer to Mrs. Kleve's Complai nt for Divorce, & was present in Court & in fact in the stage of first cross-examination after Mrs. Kleve had stated her grounds, when the Judge terminated the trial & granted her the divorce & a detailed decree without having heard any of Karl Kleve's defense, nor any of his grounds for his cross-complaint for annulment/divorce, nor any of the family circumstances, whereby Mrs. Kleve was decreed so much beyond Mr. Kleve's total income as to require liquidation & destruction of his only means, rental property, (he is 66 & disabled), for the financial security for the three very young, now, 4, 7 & 11, children. And custody was given Mrs. K tho both her older children, by

her previous marriage, had become certified delinquents & one an adult criminal, (with 4 arrests already in 1980), as obvious consequence of the peculiar religious cult she forces upon them, which subverts all patriotism, prohibits saluting the flag, pledging the Oath of Allegiance, standing to the National Anthem, voting, serving in the armed forces, & discourages all education (but the Bible) since they expect the world to end this year, & since no knowledge of law, medicine, engineering nor any other techinques will be needed in paradise, it manifests imperfect faith to pursue study in any such fields. Since it is impossible for Mr. Kleve to cope with this decree, he can be found in contempt, & imprisoned at Mrs. K's whim, which she has done, to the point where he has suffered nervous breakdown now pronounced beyond cure.

30 various assignments of error were raised in the Appeal, to which appellee failed to reply; But the appeal was dismissed on the totally false assumption that the Transcript was incomplete - it was the Trial that was incomplete. And their own rule required that it be deemed complete since the time limit for challenge of that had long expired.

The Ohio Supreme Court denied jurisdiction.

As to how & when any of the questions were raised, since the trial ended prematurely, no opportunity was given Petitioner, at all, to make the obvious motions, exceptions, all of which demands retrial or modification. The questions to the Appeals Court, of course, were raised by Assignments of Error.

REASONS FOR GRANT OF WRIT

For all said reasons, a writ of certiorari should issue, at least for modification of the Decree to return to this father his source of support for the children; and to allow him at least a 50/50 joint custody, to enable him to try to offset the influence of this mother & her cult to the subversion delinquency & crime. How many more young lives must be ruined t defeat the myth that a mother is always the better parent?

CONCLUSION

That the Decree be modified to a fair disposition for all concerned, to prevent the continued destruction of the children's father & financial security, or proper trial, by jury, if this Court sees fit.

Respectfully submitted Karl Kleve

The SUPREME COURT of the STATE of OHIO

State of Ohio
City of Columbus

1979 Term
to wit October 5, 1979

CHARLOTTE E. KLEVE
Appellee

vs

KARL KLEVE
Appellant

No. 79-864

MOTION FOR AN ORDER DIRECTING THE COURT OF APPEALS FOR HAMILTON COUNTY, to CERTIFY ITS RECORD

It is ordered by the Court that this Motion is Overruled.

Costs: Motion fee, $20., paid by Karl Kleve

I, Thomas L. Startzman, Clerk of the Supreme Court of Ohio, certify that the foregoing Entry was correctly copied from the Journal of thiw Court.

Witness my hand & the Seal of the Court

Thomas L. Startzman, Clerk

(ss) Samuel Adkins, Deputy.

It is the Order of this Court that the judgment or final order herein appealed from be, and the same hereby is, affirmed.

It is further Ordered that a mandate be sent to the Court of Common Pleas, Division of Domestic Relations, Hamilton County, Ohio, for execution upon this judgment.

Costs to be taxed in compliance with Rule 24, Appellate Rules. And the Court being of the opinion that there were reasonable grounds for this appeal, allows no penalty.

It is further Ordered that a certified copy of this Memorandum Decision and Judgment shall constitute the mandate pursuant to App. R. 27.

To all of which the appellant, pro se, excepts.

KEEFE, P.J., SHANNON and PALMER, J. J.

(Petitioner's Note:
None of the assignments claimed "the judgment below is contrary to the weight of the evidence", so the Appeals Court ruling,"a complete transcript of the trial proceedings is essential." is erroneous.

The said transcript WAS a complete transe cript of the trial, and was so certified as "complete & accurate" by the appropriate person, the reporter herself. It was the proceedings that were incomplete - the trial was terminated by the Judge during the petitioner's first cross-examination of the respondent; petitioner was never allowed to present his defense or cross-complaint.

Besides, by their own Rule,10(B),"The Record shall be deemed to be complete - - when 40 days have elapsed(without record being challenged),(which time had long elapsed.)

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

CHARLOTTE E. KLEVE : NO. C-780051
Plaintiff-Appellee

vs MEMORANDUM DECISION AND JUDGMENT ENTRY

KARL KLEVE
Defendant-Appellant

FILED
COURT OF APPEALS
APR 25 1979

Mr. Karl Kleve, 3077 Jadaro Ct, Cincinnati, Ohio, 45211, in propria personna.

PER CURIAM. This cause came on to be heard upon the appeal, the transcript of the docket, journal entries and original papers from the Court of Common Pleas, Division of Domestic Relations, Hamilton County, Ohio, the transcript of the proceedings, and the brief and oral argument of appellant.

Appellant, who often is in the courts of Hamilton County as a litigant consistently representing himself,- as here - submits to us in this matter twenty assignments of error which deviate substantially from the Appellate Rules & Local Rules. Moreover, because of the nature of most of the assignments, claiming the judgment below is contrary to the weight of the evidence, a complete transcript of the trial proceedings is essential. However, the record presented to us contains only a partial transcript. Therefore, in view of the filing of only a partial transcript of proceedings and the questions presented by the assignments of error, we sua sponte overrule the assignments and affirm the judgment.

Ostrander v. Parker-Fallis Insulation Co (1972) 29 Ohio St. 2d 72, 278 NE 2d 363; Reedy v Fussner No C-77812 (1st Dist Mar 7, 1979; App R 9(B); 4 O Jur 3d, Appellate Review § 333.